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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/218,060	12/21/1998	SLOVAK ONDREJ SUCH	777.162US1	3598

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/218,060

Applicant(s)

SUCH, SLOVAK ONDREJ

Examiner

Charles E Anya

Art Unit

2126

-- The MAILING DATE of this communication appears n th c ver sheet with the c rrespondenc address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 4 9,13,14 – 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The term "unpacked-into-messages" in claim 4 is a relative term which renders the claim indefinite. The term "unpacked-into-messages" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 9, 13,15 – 19 recites the limitation "the medium" in page 20 line 12 (Amendment A), page 13 line 1 (Original claim), page 21 lines 11, 14 and 18 (Original claim) and page 22 lines 2 and 4 (Original claim) respectively. There is insufficient antecedent basis for this limitation in the claims.

For the purpose of this office action the Examiner would assume that the term "the medium" means "The Computer-readable medium".

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1,3 – 5,7 – 9,11 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 5,619,710 to Travis, jr. et al.**

As to claim 1, Travis teaches a dynamic object storage scheme for storing a plurality of objects (“...storage scheme...” Col. 13 Ln. 47 – 67, Col. 14 Ln. 1 – 45), a dynamic dispatch scheme for invoking an action that belongs to one of a plurality of categories (“...EDIT...” Col. 24 Ln. 40 – 58, “...set of messages 520...” Col. 10 Ln. 48 – 67, Col. 11 Ln. 1 – 5), the plurality of categories needing one object (Application Class 485 Col. 9 Ln. 35 – 40), the plurality of categories needing more than one object (ASCII\_class...” Col. 9 Ln. 20 – 25) and an object recognition scheme for providing a description of each object, the description allowing a determination of whether the object fits an application programming interface (ACAS Software Component 620 Col. 12 Ln. 7 – 43, Loader/Unloader Software Component 1010 Col. 16 Ln. 15 – 55, Col. 18

Ln. 33 – 67, Invoker Software Components 1236 and 1336/method resolution Col. 20  
Ln. 16 – 43, Step 1375 Col. 21 Ln. 25 – 30, Col. 22 Ln. 35 – 50, Col. 23 Ln. 50 – 67,  
Step 1560/Auxiliary software Components 1237 and 1337 Col. 24 Ln. 1 – 39).

The plurality of categories that includes needing no object is not explicitly taught,  
however this limitation is inherent because during the creation of objects in this system  
the constructor receives a message to create the object but does not need an object in  
order to complete the object creation.

As to claim 3, Travis teaches the object to include a series of tokens where each  
of the token relates to an attribute (Platform\_Type A, Platform\_Type B Col. 24 Ln. 59 –  
67, DYNAMIC\_LOAD Col. 25 Ln. 47 – 62).

As to claim 4, Travis teaches providing unpacked-into-messages events by the  
dynamic dispatch scheme (Step 1598 Col. 26 Ln. 49 – 67, Col. 1 – 18).

As to claims 5 and 14, see the rejection of claim 1.

As to claims 7, 11 and 16, see the rejection of claim 3.

As to claims 8, 12 and 17, see the rejection of claim 4.

As to claim 9, claim 1 covers claim 9 except for a processor and computer-  
readable medium.

Travis teaches a Processor (CPU 100, CPU 200, CPU 300 Col. 5 Ln. 31 – 67) and  
Computer-Readable Medium (Memory 150, Memory 250, Memory 350 Col. 5 Ln. 31 –  
67, Col. 12 Ln. 1 – 67).

As to claims 13, see the rejection of claim 9.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2,6,10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,619,710 to Travis et al. in view of U.S. Pat. No. 5,734,903 to Saulpaugh et al.**

As to claim 2, Travis is silent with respect to having the stored objects accessible utilizing a recyclable locking mechanism.

Saulpaugh teaches accessing the stored objects utilizing a recyclable mechanism (Locking Unit 46 Col. 8 Ln. 24 – 36, Col. 17 Ln. 5 – 26, Col. 28 Ln. 22 – 67, Col. 29 Ln. 1 – 30, Col. 30 Ln. 1 – 23). It would have been obvious to apply the teaching of Saulpaugh to the system of Travis. One would have been motivated to make such a modification in order to avoid deadlock.

As to claims 6,10 and 15, see the rejection of claim 2.

**Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 5,619,710 to Travis Jr. et al.**

As to claim 18, Although Travis does not explicitly teach a compact disc read only memory (CD-ROM)/floppy disk, it would have been obvious for one of ordinary skill

in the art to implement the computer-readable medium to include a compact disc read only memory (CD-ROM)/floppy disk in order to provide a removable/portable memory.

As to claim 19, see the rejection of claim 18.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The Examiner can normally be reached on M-F (8:30-5:30) First Friday off.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya  
Examiner  
Art Unit 2126

*Sue Las*